

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHI CHEUNG LAM,

Plaintiff,

v.

ALBERTO R. GONZALES, et al.,

Defendants.

CASE NO. C07-824JLR

ORDER

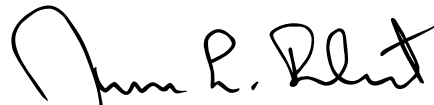
This matter comes before the court on Defendants' motion to remand (Dkt. # 8) and Plaintiff Chi Cheung Lam's motion for summary judgment or hearing in the alternative (Dkt. # 9). On July 2, 2007, the court ordered Defendants to show cause why the court should not grant Mr. Lam's naturalization petition (Dkt. # 5). The court has reviewed the Defendants' brief in response to its order to show cause as well as the briefs filed in support of and in opposition to the parties' motions. For the reasons stated below, the court GRANTS Defendants' motion to remand and STAYS this action pending an expeditious resolution by the United States Citizenship and Immigration Services ("USCIS") of Mr. Lam's naturalization petition. The court DENIES without prejudice Mr. Lam's motion for summary judgment.

The Immigration and Nationality Act grants the district court jurisdiction to compel agency action on a naturalization petition or to make a ruling on the merits "[i]f there is a

1 failure to make a determination . . . before the end of the 120-day period after the date on  
2 which the examination is conducted . . . .” 8 U.S.C. § 1447(b). Mr. Lam alleges that he had  
3 his citizenship interview on August 6, 2002, and that he passed the English, U.S. history and  
4 government tests. He also alleges that USCIS has failed to issue a decision on his  
5 naturalization petition within 120 days of his examination. Defendants have moved to  
6 remand this case to USCIS for adjudication as Mr. Lam’s background and security checks are  
7 now complete. Defendants represent that USCIS is prepared to adjudicate Mr. Lam’s  
8 naturalization application within thirty days of a remand from this court.

9 Because Defendants have indicated that USCIS is prepared to adjudicate Mr. Lam’s  
10 application, the court GRANTS Defendants’ motion to remand (Dkt. # 8) and STAYS the  
11 matter pending a decision on Mr. Lam’s naturalization petition. The court DENIES without  
12 prejudice Mr. Lam’s motion for summary judgment (Dkt. # 9). The court REMANDS this  
13 case to USCIS with instructions to promptly adjudicate Mr. Lam’s naturalization petition  
14 within **thirty (30) days** of the date of this order. If USCIS does not make a decision on the  
15 application within the 30-day period, the parties shall submit a joint status report updating the  
16 court on the status of Mr. Lam’s petition and the source of the delay.

17 DATED this 5th day of November, 2007.

18  
19 

20 JAMES L. ROBART  
21 United States District Judge  
22  
23  
24  
25  
26